

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

PLAINTIFF'S MOTION FOR COSTS, ATTORNEY FEES, AND EXPENSES

Under to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 and LR 54.1, Plaintiff Robert Holman moves for an award of costs, attorney fees, and expenses in this case. *See* 28 U.S.C. § 2412(a)(1), (c)(1) (costs); 28 U.S.C. § 2412 (d)(1)(A) (attorney fees and expenses).

Counsel for Plaintiff expended a reasonable amount of time litigating this matter. Plaintiff is a prevailing party within the meaning of that term and meets the net worth and employee requirements under the EAJA. Thus, Plaintiff is entitled to compensation for work done in this case to successfully challenge Section 1005, as the government's position was not substantially justified.

Plaintiff therefore respectfully request that this Court award reasonable fees pursuant to the EAJA to include any time spent in preparation of this motion, as well as any supplement and possible reply. Accompanying this Motion is Plaintiff's Memorandum of Law in Support,

declarations of Braden H. Boucek, William Trachman, Robert Holman, and Jacob Swatley along with attorney time records, which are attached as Exhibits 1 and 2.

The motion for costs and attorney fees should be granted and Plaintiff awarded fees, costs, and expenses in the amount of **\$44,117.00**.

Dated: September 29, 2022.

Respectfully submitted,

s/ B.H. Boucek
BRADEN H. BOUCEK
TN BPR No. 021399
GA Bar No. 396831
Southeastern Legal Foundation
560 W. Crossville Road, Suite 104
Roswell, GA 30075
Telephone: (770) 977-2131
bboucek@southeasternlegal.org

WILLIAM E. TRACHMAN*
CO. Bar No. 45684
Mountain States Legal Foundation
2596 S. Lewis Way
Lakewood, Colorado 80227
Telephone: (303) 292-2021
Facsimile: (303) 292-1980
wtrachman@mslegal.org
*Appearing Pro Hac Vice

Counsel for Plaintiff

CERTIFICATE OF CONSULTATION

I hereby I certify, that after consultation with counsel for Defendants, Kyla Snow, by e-mail on September 19, 2022, Defendants indicated that they oppose the relief requested in this motion.

Dated: September 29, 2022.

Respectfully submitted,

s/ B. H. Boucek
BRADEN H. BOUCEK

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below I filed the documents on the Court's electronic filing system which sent notification of such filing to all counsel of record in this matter

Dated: September 29, 2022.

Respectfully submitted,

s/ B.H. Boucek
BRADEN H. BOUCEK